

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF DELAWARE**

In re	Chapter 11
FTX TRADING, LTD., <i>et al.</i> , <sup>1</sup>	Case No. 22-11068 (JTD)
Debtors.	(Jointly Administered)
AD HOC COMMITTEE OF NON-US CUSTOMERS OF FTX.COM,	
Plaintiff,	
v.	Adv. Proc. No. 22-50514 (JTD)
FTX TRADING, LTD., <i>et al.</i> ,	<b>Re: A.D.I. 10, 11, 12</b>
Defendants.	

**APPENDIX TO THE OPENING BRIEF IN SUPPORT OF THE AD HOC  
COMMITTEE OF NON-US CUSTOMERS OF FTX.COM'S MOTION FOR  
PARTIAL SUMMARY JUDGMENT AND PROPRIETARY CLAIMS BY  
FTX.COM CUSTOMERS DECLARATION SUBMITTED BY DAVID QUEST KC**

**MORRIS, NICHOLS, ARSHT &  
TUNNELL LLP**

Eric D. Schwartz (No. 3134)  
Matthew B. Harvey (No. 5186)  
Paige N. Topper (No. 6470)  
1201 North Market Street, 16th Floor  
Wilmington, Delaware 19801  
Telephone: (302) 658-9200  
Facsimile: (302) 658-3989  
eschwartz@morrisnichols.com  
mharvey@morrisnichols.com  
ptopper@morrisnichols.com

**EVERSHEIDS SUTHERLAND (US) LLP**

Erin E. Broderick  
227 West Monroe Street, Suite 6000  
Chicago, Illinois 60606  
Telephone: (312) 724-9006  
Facsimile: (312) 724-9322  
erinbroderick@eversheds-sutherland.com

<sup>1</sup> The last four digits of FTX Trading Ltd.'s and Alameda Research LLC's tax identification numbers are 3288 and 4063, respectively. Due to the large number of debtors in these chapter 11 cases, a complete list of the debtors and the last four digits of their federal tax identification numbers is not provided herein. A complete list of such information may be obtained on the debtors' claims and noticing agent's website at <https://cases.ra.kroll.com/FTX>.

**EVERSHEDES SUTHERLAND (US) LLP**

David A. Wender  
Nathaniel T. DeLoatch  
999 Peachtree St NE  
Atlanta, GA 30309  
Telephone: (404) 853-8000  
Facsimile: (404) 853-8806  
[davidwender@eversheds-sutherland.com](mailto:davidwender@eversheds-sutherland.com)  
[nathanieldeloatch@eversheds-sutherland.com](mailto:nathanieldeloatch@eversheds-sutherland.com)

**EVERSHEDES SUTHERLAND (US) LLP**

Peter A. Ivanick  
Sarah E. Paul  
The Grace Building, 40th Floor  
1114 Avenue of the Americas  
New York, New York 10036  
Telephone: (212) 389-5000  
Facsimile: (212) 389-5099  
[peterivanick@eversheds-sutherland.com](mailto:peterivanick@eversheds-sutherland.com)  
[sarahpaul@eversheds-sutherland.com](mailto:sarahpaul@eversheds-sutherland.com)

*Counsel for Ad Hoc Committee of Non-US Customers of FTX.com*

Dated: March 24, 2023  
Wilmington, Delaware

## INDEX

<b>OPENING BRIEF</b>	
<b>Document Name<sup>1</sup></b>	<b>Appendix No.</b>
Complaint for Declaratory Judgment, No. 22-50514-JTD (Bankr. D. Del. Dec. 28, 2022) [D.I. 1]	A000001
FTX Terms of Service	A000088
In re Celsius Network LLC (In re Celsius), No. 22-10964-MG (Bankr. S.D.N.Y. Sept. 1, 2022) [D.I. 1767]	A000150
In re BlockFi Inc. (In re BlockFi), No. 3:22-19361-MBK (Bankr. D.N.J. Dec. 19, 2022) [D.I. 121]	A000157
In re Voyager Digital Holdings, Inc., No. 22-10943-MEW (Bankr. S.D.N.Y. July 14, 2022) [D.I. 247]	A000200
Notice of Presentation to the Official Committee of Unsecured Creditors: Preliminary Analysis of Shortfalls at FTX Exchanges [D.I. 792]	A000206
Notice of Presentation to the Official Committee of Unsecured Creditors: Preliminary Analysis of Shortfalls at FTX Exchanges [D.I. 507]	A000232-1
John J. Ray, III's Testimony before the US House Financial Services Committee, Dec. 13, 2022	A000233
Transcript of First Day Hearing, held on Nov. 22, 2022 [D.I. 142]	A000234
Declaration of John J. Ray III in Support of Chapter 11 Petitions and First Day Pleadings, filed on November 17, 2022 [D.I. 24]	A000314
Declaration of Edgar W. Mosley [D.I. 337]	A000344
In re Celsius Network LLC, No. 22-10964 (MG) (S.D.N.Y. Jan. 4, 2023) [D.I. 1822]	A000529
Commodity Futures Trading Comm'n v. Bankman-Fried, 1:22-cv-10503-PKC (S.D.N.Y. Dec. 21, 2022) [D.I. 1]	A000574

<sup>1</sup> Documents in the Index are in the order of appearance in the *Opening Brief in Support of the Ad Hoc Committee of Non-US Customers of FTX.com's Motion for Partial Summary Judgment* filed contemporaneously herewith.

FTX Policy: FTX's Key Principles for Ensuring Investor Protections on Digital-Asset Platforms (Mar. 10, 2022)	A000614
Testimony of Sam Bankman-Fried Co-Founder and CEO of FTX, U.S. Senate Committee on Agriculture, Nutrition and Forestry (Feb. 9, 2022)	A000627
Bankman-Fried (@SBF_FTX), Twitter (June 27, 2022), 1:29 P.M.	A000666
Bankman-Fried (@SBF_FTX), Twitter (Nov. 7, 2022) [deleted tweet]  Available under Sec. and Exch. Comm'n v. Bankman-Fried, 1:22-cv-10794-PKC (S.D.N.Y. Dec. 21, 2022) (D.I. 1) at ¶ 107 (A000699)	A000667
Transcript of Second Day Hearing, held on Jan. 11, 2023 [D.I. 489]	A000705
Adversary Proceeding Complaint filed by Debtors against FTX Digital Markets Ltd. et al., filed on March 19, 2023, [D.I. 1119]	A000876
United States v. Caroline Ellison, No. 22-cr-673 (S.D.N.Y. 2022), Transcript of Caroline Ellison Guilty Plea, held on Dec. 19, 2022	A000903
United States v. Zixiao Wang, No. 22-cr-673 (S.D.N.Y. 2022), Transcript of Gary Wang Guilty Plea, held on Dec. 19, 2022	A000938
United States v. Nishad Singh, No. 22-cr-673 (S.D.N.Y. 2022), Transcript of Nishad Singh Guilty Plea, held on Feb. 28, 2023	A000972
United States v. Samuel Bankman-Fried a/k/a "SBF", 22-cr-673 (S.D.N.Y. Dec. 9, 2022), [D.I. 80]	A001011
Motion of the United States Trustee for Entry of an Order Directing the Appointment of an Examiner, [D.I. 176]	A001050
Investors Compensation Scheme Ltd v. West Bromwich Building Society [1998] 1 WLR 896	A001079
Chartbrook Ltd v. Persimmon Homes Ltd [2009] UKHL 38, [2009] 1 AC 1101	A001096
Rainy Sky SA v. Kookmin Bank [2011] UKSC 50, [2011] 1 WLR 2900	A001137
Arnold v. Britton [2015] UKSC 36, [2015] AC 1619	A001158
Wood v. Capita Insurance Services Ltd [2017] UKSC 24, [2017] 2 WLR 1095	A001207
Law Commission Digital Assets Consultation Paper (LawCom 256)	A001222

Wang v. Darby [2021] EWHC 3054 (Comm)	A001771
Dhingra v. Dhingra [1999] EWCA Civ 1899	A001797
Pearson v. Lehman Brothers [2010] EWHC 2914	A001806
Pearson v. Lehman Brothers [2011] EWCA Civ 1544	A001903
Alameda Research Ltd. v. Voyager Digital, LLC, No. 22-11068, Adv. Proc. No. 23-50084 (Bankr. D. Del. Jan. 30, 2023) [D.I. 596]	A001939

### QUEST DECLARATION

Document Name <sup>2</sup>	Appendix No.
UK Jurisdiction Taskforce Legal Statement on Cryptoassets and Smart Contracts	A001952
AA v. Persons Unknown [2019] EWHC 3556 (Comm).	A002016
Danisz v. Persons Unknown [2022] EWHC 280 (QB)	A002039
DPP v. Briedis [2021] EWHC 3155 (Admin)	A002044
Litecoin Foundation Ltd. v. Inshallah Ltd [2021] EWHC 1998 (Ch)	A002050
New Ruscoe v. Cryptopia Ltd [2020] NZHC 728	A002062
Smith v. Torque Group Holdings Ltd., Unreported, 2 July 2021	A002108
Wang v. Darby [2021] EWHC 3054 (Comm)	A002116
Investors Compensation Scheme Ltd v. West Bromwich Building Society [1998] 1 WLR 896	A002142
Chartbrook Ltd v. Persimmon Homes Ltd [2009] UKHL 38, [2009] 1 AC 1101	A002159
Rainy Sky SA v. Kookmin Bank [2011] UKSC 50, [2011] 1 WLR 2900	A002200
Arnold v. Britton [2015] UKSC 36, [2015] AC 1619	A002221
Wood v. Capita Insurance Services Ltd [2017] UKSC 24, [2017] 2 WLR	A002270

<sup>2</sup> Documents in the Index are in the order of appearance in the *Proprietary Claims by FTX.com Customers Declaration*, submitted by David Quest KC filed contemporaneously herewith.

1095	
Law Commission Digital Assets Consultation Paper (LawCom 256)	A002285
Quoine v. B2C2 [2020] SGCA(I) 02	A002834
Pearson v. Lehman Brothers [2010] EWHC 2914	A002943
Pearson v. Lehman Brothers [2011] EWCA Civ 1544	A003040
Dhingra v. Dhingra [1999] EWCA Civ 1899	A003076

Dated: March 24, 2023

/s/ Eric D. Schwartz  
**MORRIS, NICHOLS, ARSHT & TUNNELL LLP**  
Eric D. Schwartz (No. 3134)  
Matthew B. Harvey (No. 5186)  
Paige N. Topper (No. 6470)  
1201 North Market Street, 16th Floor  
Wilmington, Delaware 19801  
Telephone: (302) 658-9200  
Facsimile: (302) 658-3989  
eschwartz@morrisnichols.com  
mharvey@morrisnichols.com  
ptopper@morrisnichols.com

-AND-

**EVERSHEDS SUTHERLAND (US) LLP**  
Erin E. Broderick  
227 West Monroe Street, Suite 6000  
Chicago, Illinois 60606  
Telephone: (312) 724-9006  
Facsimile: (312) 724-9322  
erinbroderick@eversheds-sutherland.com

-and-

David A. Wender  
Nathaniel T. DeLoatch  
999 Peachtree St NE  
Atlanta, GA 30309  
Telephone: (404) 853-8000  
Facsimile: (404) 853-8806  
[davidwender@eversheds-sutherland.com](mailto:davidwender@eversheds-sutherland.com)  
[nathanieldorfatch@eversheds-sutherland.com](mailto:nathanieldorfatch@eversheds-sutherland.com)

-and-

Peter A. Ivanick  
Sarah E. Paul  
The Grace Building, 40th Floor  
1114 Avenue of the Americas  
New York, New York 10036  
Telephone: (212) 389-5000  
Facsimile: (212) 389-5099  
[peterivanick@eversheds-sutherland.com](mailto:peterivanick@eversheds-sutherland.com)  
[sarahpaul@eversheds-sutherland.com](mailto:sarahpaul@eversheds-sutherland.com)

*Counsel for Ad Hoc Committee of Non-US Customers  
of FTX.com*